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COMMISSION ON HUMAN RIGHTS

Forty-ninth session

SUMMARY RECORD OF THE 41st MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 25 February 1993, at 7 p.m.

Chairman: Mr. GARRETON (Chile)

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The meeting was called to order at 7.20 p.m.

FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION:

(a) ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS;

(b) NATIONAL INSTITUTIONS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS;

(c) COORDINATING ROLE OF THE CENTRE FOR HUMAN RIGHTS WITHIN THE UNITED NATIONS BODIES AND MACHINERY DEALING WITH THE PROMOTION AND PROTECTION OF HUMAN RIGHTS (agenda item 11) (continued) (E/CN.4/1993/8, 29 and Add.1, 30-35, 87 and 90; E/CN.4/1993/NGO/2, 11 and 17)

1. Ms. DEWAJARA (Sri Lanka) observed that the protection and assistance needs of the internally displaced had traditionally been met by States, whether through their own efforts or in cooperation with existing international mechanisms. Inability or unwillingness to provide minimum guarantees in that respect had on the whole been the exception rather than the rule. Noting that the study by the Special Representative of the Secretary-General (E/CN.4/1993/35), had been intended to focus on what could be done within the framework of the Commission's special procedures and mechanisms to provide more protection for the human rights of the internally displaced, she remarked that any attempt to consider the needs of that category of persons was hampered by the absence of a functionally effective definition; moreover, and irrespective of the causes of displacement, circumstances were sometimes such that the protection and assistance needs of the internally displaced were indistinguishable from those of people who had not suffered the same fate. WHO's comments in that connection in paragraph 42 of the study were particularly relevant. It was clear that, in order to respond realistically and meaningfully to the needs of the internally displaced through the perspective of the Commission by new mechanisms, there should first be a clearer understanding of the specific category of persons addressed. Generalized responses that failed to take account of both the specificities and the complexities of the problem were inadequate.

2. One way of circumventing the definition problem might lie through functional cooperation among existing human rights and humanitarian mechanisms. Entities such as the Department of Humanitarian Affairs (DHA), the Office of the United Nations High Commissioner for Refugees (UNHCR), the International Committee of the Red Cross (ICRC) and the International Organization for Migration (IOM), which had flexible and comprehensive mandates, could, in cooperation with the Governments concerned and the Commission mechanisms where relevant, deal effectively with the situation-specific nature of the phenomenon and also perform the early warning and preventive functions identified by the Special Representative. The Commission's consideration of the question should make allowance for activities envisaged within that larger framework, including the mandate of the United Nations Coordinator for Humanitarian Affairs.

3. Noting in passing that internal displacement resulting from terrorist activities of non-State actors inhibited an approach to the phenomenon through the human rights perspective of the Commission, she remarked that the existing body of international legal instruments, whether embodied in human rights law or in humanitarian law, combined with effective implementation backed by adequate resources, could provide important guarantees for the protection of the internally displaced. The Commission's role, through its thematic and country rapporteurs and technical assistance programmes, in promoting and protecting the guarantees provided by those existing laws was crucial, as was that of ICRC. The Special Representative's proposal for a compilation of the most relevant existing international standards was a useful one. In exceptional circumstances, where the displaced population was clearly vulnerable to persecution and violations by States, or where responsible national mechanisms no longer existed, international protection could be ensured by other means of access in accordance with the Charter of the United Nations.

4. Notwithstanding the importance of the report by the Special Representative in highlighting the crucial human rights aspect of internal displacement and the role of the Commission, the complexity of the subject called for a more comprehensive approach. Displacement could not be prevented or the displaced protected by prescribing human rights guarantees to Governments alone. Moreover, given the lack of a definition, any generalized distinction between the protection and assistance needs of the internally displaced and those of the remainder of the civilian population would in most cases be theoretical, and should not result in the creation of a privileged category.

5. Mr. ALFONSO MARTINEZ (Cuba) said that, 15 years previously, it had not occurred to those involved in the adoption of General Assembly resolution 32/130 that alternative means for improving the effective enjoyment of human rights might one day come to include the threat or use of force, military occupation of foreign territories, or economic coercion. Cuba could not accept such an approach, which blatantly contradicted the key principles set forth in the Charter of the United Nations, whose cornerstone had been, not international coercion, but international cooperation. Furthermore, as Article 24 (2) of the Charter made clear, there had been no provision in the original conception for participation by the Security Council in the solution of international humanitarian problems, still less for recourse in such circumstances to the type of punitive action provided for in Chapter VII. Least of all had it been foreseen that the exceptional measures provided for therein might one day be applied in a selective and discriminatory manner, as could be seen from the double standards applied in dealing with the expulsion by Israel of the 400 Palestinians currently stranded on the frontier with Lebanon.

6. The Commission constituted an ideal forum from which to launch resistance to a "new world order" in which "humanitarian intervention" was merely a euphemism for attempts forcibly to impose certain ideological conceptions of human rights on a number of countries, chiefly, though not exclusively, in the third world. Such interventionism posed a very real threat to those countries' internal and international sovereignty.

7. Fortunately, there were signs that, having recognized the gravity of the problem, the international community was now ready to respond by taking concerted action. That view was borne out by the results of the Tenth Conference of Heads of State or Government of Non-Aligned Countries, held in Jakarta from 1 to 6 September 1992, whose Final Document referred to attempts to destroy the indivisibility and interdependence of all human rights and to impose certain conceptions of those rights, under threat of withdrawal of economic aid. The Commission must reject such notions and repudiate such actions.

8. The past 10 years had seen a proliferation of bodies concerning themselves with human rights within the United Nations system. Those bodies fell into three broad categories: first, there were the "treaty bodies", established under contractual provisions; secondly, there was the confidential procedure established in 1970 under Economic and Social Council resolution 1503 (XLVIII); and, thirdly, there were the so-called "special procedures" - the thematic mechanisms, and those set up to deal with situations in specific areas or countries. The trend to establish such bodies, which had been unanimously welcomed at the time, had now begun to show anomalies that called for close attention on the part of the Commission, and also of the forthcoming World Conference on Human Rights, since they affected not only Member States but also the functioning of the Commission itself.

9. He wished to draw attention to no fewer than six problems that arose in that connection. The first was that, with a total of almost 30 bodies across the three categories - 6 treaty bodies, 20 special procedures and one confidential procedure, and also the bodies set up by the International Labour Organisation and the United Nations Educational, Scientific and Cultural Organization - signatory States, especially those of the third world, whose resources were scarce, were faced with an enormous burden in meeting their various reporting obligations and responding to complaints submitted via special rapporteurs and working groups.

10. The second problem was that the special procedures, which had been conceived as being of universal application, were in practice nearly always applied to third world States. That trend had become particularly noticeable of late. The erroneous impression that resulted was that summary executions, torture and other inhuman or degrading treatment, religious intolerance and enforced disappearances were phenomena almost exclusively confined to the third world.

11. The third problem related to the mandates under which the special procedures operated, mandates which, unlike those of the treaty bodies, were not clearly set forth in the pertinent treaty, convention or covenant. Special rapporteurs or working groups tended to have an open-ended mandate which they were free to interpret broadly and unilaterally, or to improvise as they went along. The Working Group on Arbitrary Detention offered perhaps the most striking recent example of that pernicious trend.

12. A fourth problem, also relating to the special procedures, concerned the astonishing discrepancies between the working methods of the various procedures with regard to such matters as admissibility of communications, information provided to Governments on the sources of those communications,

subsequent procedures for dealing with them, deadlines for submission by Governments of information concerning allegations, publicization of complaints and of the authorities' responses thereto, and urgent appeals to Governments. National authorities had great difficulty in adapting to such a wide range of methodologies.

13. A fifth problem concerned the general legal framework within which the various bodies operated. Special rapporteurs and working groups often sought to give legally binding force to what were in fact non-binding recommendations. That anomaly was further compounded when such non-contractual organs arrogantly tried to require States to comply with the provisions of instruments to which they were not in fact parties.

14. The sixth problem perhaps called for further reflection, and concerned the functioning of the special procedures in parallel with the 1503 procedure. The latter procedure, which had proved its worth over the years, was undermined by the existence of the special rapporteurs and working groups. It was not clear to his delegation what criteria were applied by the Centre for Human Rights in deciding which complaints would be dealt with through a special procedure, and which through the regular 1503 procedure. The situation was further complicated when a country also came under the scrutiny of a rapporteur, special rapporteur or independent expert, in which case one communication might be dealt with by two, three or even four bodies - a clear denial of due process to the State in question.

15. Lack of time prevented him from discussing other pressing problems such as the inexplicable imbalance between the large number of bodies or special procedures dealing with civil and political rights and the small number concerned with economic, social and cultural rights. The Commission and the World Conference on Human Rights should devote time to analysing all aspects of the question of the proliferation of monitoring and investigatory bodies. To that end, the Centre for Human Rights must provide precise and properly organized information on those bodies' mandates, working methods and jurisdiction, and other details essential for full comprehension of the real nature of their work and institutional functions. Only thus would it be possible to gain a comprehensive overview of the system, permitting an analysis of what subsequent measures might be needed to secure their maximum efficiency and effectiveness. His delegation would be pleased to act as a sponsor of any initiative taken in that regard.

16. Mr. GWAM (Nigeria) addressed the issue of national institutions for the promotion and protection of human rights, the creation and strengthening of which formed part of the responsibilities of the international community.

17. While a number of provisions in the Nigerian Constitution served the intended purposes of the International Covenant on Economic, Social and Cultural Rights and of the International Covenant on Civil and Political Rights, those rights were also ensured and protected by numerous governmental and non-governmental institutions, and notably by the four-tier judicial system comprising the Magistrate Court, High Court, Court of Appeal and Supreme Court, and the two-tier Shariah system which dealt with cases having religious undertones. For the past two decades, a Public Complaints Commissioner, who enjoyed freedom from government control, had handled matters

set before him by aggrieved individuals, groups and corporate bodies alike; the work of his Office was complemented by that of the Code of Conduct Bureau established in particular to ensure the probity of public officials. The Nigerian Law Review Commission reviewed national legislation periodically to ensure that it responded to domestic issues and was in compliance with evolving international legal instruments. Human rights were within the purview of a special Monitoring Unit set up under the authority of the Federal Ministry of Justice. It received petitions and complaints and prepared regular reports, guidelines and codes of conduct for government departments and law enforcement agencies. State Governments had been requested to establish similar units. Since 1986, two basic institutions, namely Mass Mobilization for Social and Economic Reconstruction (MAMSER) and the Directorate of Food, Road and Rural Infrastructure (DFRI), had been operating, the first with the primary aim of informing and mobilizing the people at large with regard to their economic, social, cultural, civil and political rights, and the second with the aim of ensuring equitable nationwide distribution of limited national resources. The Nigerian press was one of the freest in the world. Human rights bodies, trade unions and pro-democracy groups assisted in enlightening the public on their rights, duties and obligations and provided effective and accessible remedies in response to complaints of human rights violations. Finally, training programmes, public lectures and seminars were periodically organized to educate officials of the relevant national security agencies on the subject of international human rights instruments.

18. Ms. HAJDUK (Poland) recalled Commission resolution 1992/56 and said that its provisions should be underlined at the current session by an appeal to States to take the necessary steps to ensure the full enjoyment of civil, political, economic, social and cultural rights by persons suffering from HIV infection or AIDS. The Commission should also invite the Human Rights Committee, as well as the Committee on Economic, Social and Cultural Rights to pay due attention within their competence to HIV-infected people or persons presumed to be at risk of infection. Her delegation also hoped that the report that was currently being prepared under the aegis of the Sub-Commission on Prevention of Discrimination and Protection of Minorities would permit the formulation of a set of criteria for domestic legal standards in relation to AIDS.

19. Turning to Commission resolution 1992/55, she observed that developments during the past year had once again demonstrated that emergency mechanisms to deal with massive and grave human rights violations were indispensable. The two special sessions of the Commission convened at the behest of the Economic and Social Council, and the execution of the mandate entrusted to the Special Rapporteur at the first of those sessions, had generated valuable experience concerning the construction of an emergency procedure. It was to be hoped that the forthcoming World Conference on Human Rights, as well as the envisaged procedure for further special sessions of the Commission, would lead to further progress.

20. On more than one occasion, the Working Group on Enforced or Involuntary Disappearances had alerted the Commission to the problem of the status and activities of civil defence forces, which were widespread throughout the world. Such formations could play an important role in protecting people when the action of the competent authorities was insufficient, but they could

themselves become a source of serious human rights violations. The Polish delegation had addressed that issue in some detail at the Commission's forty-eighth session. Calling attention to the report submitted by the Secretary-General in accordance with Commission resolution 1992/57, she noted that the phenomenon of civil defence forces had not always been identified by the responding bodies in line with the Working Group report (E/CN.4/1992/18); given the demonstrated relevance of the issue, it appeared that further information and more comprehensive analysis were called for, and she would suggest that the Commission request the Secretary-General to provide further information and take up the subject again at its fiftieth session.

21. Finally, and in connection with the reform of the Commission's methods of work, she noted the contradiction inherent in the fact that it functioned both as a world parliament of human rights and as an operative body dealing with current issues in the executive mode. The functioning of the Commission would no doubt be fully reviewed in the course of the overall reform of human rights mechanisms in response to new needs, but it was already clear that a revision of its agenda and of the allocation of time for its various deliberations was increasingly urgent. She hoped that a consensus might be achieved on steps to render the Commission's work more effective.

22. Mr. MOTTAGHI-NEJAD (Islamic Republic of Iran) referred to the study by the Special Representative of the Secretary-General (E/CN.4/1993/35), agreeing that further reflection was called for, notably with regard to the precise definition of internally displaced persons and to the necessity of cooperation, coordination and consultation with the countries concerned. Given the complexity of the issue, a great deal of prudence was called for. After thanking the Centre for Human Rights for organizing the training course on the preparation of periodic reports under the international human rights standards, in Tehran in August 1992, he expressed appreciation of the Asia-Pacific workshop on human rights held in Jakarta in January 1993, at which regional arrangements for the promotion and protection of human rights had been among the matters discussed. Given the geographical complexity, diversity and size of the countries of the region, as well as the different historical, cultural and religious backgrounds and levels of economic prosperity and social development, the establishment of a regional mechanism in Asia and the Pacific should be approached with circumspection. He believed, however, that determination indeed existed among the Asian countries to continue to exchange views and to create favourable conditions for the eventual setting up of such a mechanism, which could also be active in domains such as education, teaching, training, research, documentation, the dissemination of information and the exchange of experience.

23. International cooperation was, he reiterated, essential to the promotion of human rights; his country attached particular importance in that regard to the principles of non-selectivity, impartiality and objectivity set out in Commission resolution 1992/39 and in General Assembly resolution 46/129. Those principles had also been highlighted in a recommendation by the most recent Non-Aligned Summit Conference to the forthcoming World Conference on Human Rights. Iran likewise endorsed the Secretary-General's conclusions on the subject, as set out in paragraph 7 of the relevant report (E/CN.4/1993/30).

24. Double standards, unilateral interpretations of universal values and the politicization of issues could substantially undermine the Commission's credibility and its effectiveness. On the other hand, an unbiased and fair approach to human rights issues contributed to the promotion of international cooperation, as well as to the effective promotion, protection and realization of human rights and fundamental freedoms, and would help to ensure that such cooperation was based on a profound understanding of the economic, social and cultural realities and the complexity of different societies.

25. Among the matters that required special attention in efforts to maintain and enhance the confidence of Member States in the Commission's work, his delegation would single out the following: firstly, there was a need to seek mechanisms that would remedy selectivity on the basis of political or other concerns and interests and allow human rights violations to be addressed no matter where they occurred or by whom they were committed; secondly, any attempts to manipulate the Commission or use it as a forum for political pressure must be resisted; thirdly fairness and objectivity must be established as governing principles in the Commission's work; fourthly dialogue must be installed between different cultures, traditions and religions, with the aim of reversing the trend towards confrontation and gradually restoring confidence.

26. While most non-governmental organizations made valuable and constructive contributions to human rights debates, not all of them displayed the same competence and dedication. It remained, therefore, for their competence to be examined and for their contributions to be enhanced and oriented more towards the depoliticization of the Commission's work, rather than in the opposite direction.

27. Lastly, consideration should be given to ways and means of protecting and enhancing human rights while at the same time combating crime, and notably drug trafficking which had devastated much of the modern world as well as other activities which severely impaired the social order and offended public morality.

28. Ms. SHABHARWAL (India) acknowledged the urgent need to find solutions to the severe problems faced by large numbers of internally displaced persons, and said that the translation of the concerns of the international community into effective action depended on a clear understanding of the complex causes of such displacement as well as of the outflow of refugees. Violations of civil and political rights were not alone responsible; massive internal displacement was very often caused by natural or man-made disasters, civil wars and armed conflict, or even by development activities that led to indiscriminate population movements triggered by poverty. Nor did internal displacement resulting from the activities of terrorists and armed groups fall within the purview of the Commission, which could only address States in the matter of ensuring human rights guarantees.

29. It was indeed difficult to delineate the essential elements of a generally acceptable definition of internally displaced persons and to determine the Commission's specific purview. Functional cooperation among existing human rights and humanitarian mechanisms could be a realistic way of approaching the question. India was fully conscious of the human rights

dimension of the needs of the internally displaced, seen from the point of view of both prevention and protection. It believed that the existing body of international legal instruments, whether embodied in human rights law or humanitarian law, combined with effective implementation and sufficient resources, provided important guarantees for the protection of the internally displaced. In the case of exceptional circumstances, where displaced people were clearly vulnerable to persecution and violations by States, or where no responsible national mechanisms any longer existed, international protection could be ensured by other means of access in accordance with the Charter of the United Nations. A right to such access over and above the means already available was redundant in a vast majority of cases where States had accepted their moral and legal obligations of providing assistance and protection.

30. Ms. PLATTNER (International Committee of the Red Cross - ICRC) said that her organization took a particular interest in the debates in the Commission on the question of internally displaced persons, since part of its mandate was to take all necessary measures to protect and assist persons obliged to take refuge in another part of their country in consequence of an armed conflict.

31. The number of displaced persons was clearly increasing in line with the increase in violence and instability. Political initiatives must thus be taken to address the deep-seated and direct causes of conflicts and to achieve a settlement. At the same time, however, it was necessary to minimize suffering. To that end, the international community had provided itself with instruments and arrangements allowing room for humanitarian action in the context of armed conflicts. International humanitarian law set limits on the use of armed force, and was thus able to mitigate the sufferings of internally displaced persons. It was thus essential to support the efforts of those who, like her own organization, had been entrusted by States with ensuring the faithful application of that law, and to consider what measures might aid its implementation. The special conference on the protection of war victims to be held in Geneva from 30 August to 1 September 1993 would constitute a landmark in that regard. In addition, all forums for multilateral diplomacy, including the Commission on Human Rights, could contribute to restoring to belligerents the will to avoid inflicting unnecessary suffering.

32. More than 30 per cent of the operating budget of ICRC was normally devoted to activities to protect and assist civilians, and in particular, internally displaced persons. As examples she cited the civilian relief operations in the conflict zones in Angola, Mozambique, Liberia and Uganda. In addition, one third of her organization's budget for 1992, more than SwF 260 million, had been devoted to the gigantic relief operation in Somalia, the largest it had ever undertaken. Meanwhile, in Rwanda, it was preparing to deliver 7,000 tonnes of food each month in an effort to ensure the survival of 350,000 persons displaced in the north of the country.

33. The extent of such activities to assist internally displaced persons should not, however, conceal the fact that the need for such operations could be greatly reduced if humanitarian law was more faithfully observed in armed conflicts. Small as it was, the corpus of humanitarian law applicable to internal armed conflicts included prohibitions on attacks against the civilian population, starvation of the civilian population, attacks on goods essential to the survival of the civilian population and orders to displace civilian

populations for reasons other than the security of persons or overriding military considerations, as well as a number of other specific obligations. When properly applied, international humanitarian law thus provided for the adequate protection of persons displaced by armed conflicts. It was therefore imperative to reaffirm the existing rules of international humanitarian law and to insist that those rules should be fully respected in all conflicts. It was also important to ensure that the debate on means of implementing humanitarian law was kept open. Her organization was ready to participate actively in such a debate and in all efforts to improve the tragic lot of internally displaced persons. At the operational level, ICRC already participated actively in various coordinating mechanisms designed to ensure that those persons' most urgent needs were met through mobilization of States and improved coordination among agencies.

34. Mr. HJELDE (Observer for Norway), speaking on agenda item 11 (a), said that there might currently be as many as 25 million persons worldwide who had been internally displaced as a result of conflict, violence or persecution - more than the aggregate refugee population of the world. The issue was thus of crucial importance to international peace and security. The magnitude of the problem, and the human sufferings involved, called for further action by the United Nations, based on a comprehensive approach combining prevention, protection and solutions. Norway saw considerable merit in securing stronger involvement of the Commission and of the system-wide human rights machinery in the protection of internally displaced persons - a view that had been widely shared by participants at an informal round table on the protection of the internally displaced, held in Nyon (Switzerland) in February 1993 and hosted by the Norwegian Government. An informal summing-up of that round table had been made available to members of the Commission for information.

35. One of the issues that must be looked into more closely was the interrelationship between international human rights standards and the body of international humanitarian law. While that body of law already went a long way in stipulating protection standards, there were some situations of internal strife and disturbance where protection might still be inadequate. There was a case for establishing minimum humanitarian standards, containing substantive and non-derogable principles of both humanitarian law and human rights, as a means of overcoming existing gaps and ambiguities. Such minimum standards would be applicable in peacetime and in time of war, to all situations, including internal violence, disturbances, civil strife, tension and undeclared public emergencies.

36. Experience had shown that large numbers of internally displaced persons were obliged to turn to the international community for protection and assistance. While impressive efforts were made by ICRC, various United Nations agencies, and non-governmental organizations, the response was in most cases piecemeal. There was a manifest need to strengthen preparedness and contingency planning, and for improved coordination and cooperation between United Nations agencies and international non-governmental organizations. The international community should also review its capacity for overall response to the protection needs of internally displaced persons, and consider means of securing a more effective response to humanitarian emergencies.

37. The Commission had already taken important steps in that direction the previous year, in requesting the Secretary-General, pursuant to resolution 1992/73, to submit a comprehensive study on the protection needs of internally displaced persons. The study by Mr. Deng, Special Representative of the Secretary-General, contained in document E/CN.4/1993/35, identified a number of areas where further action seemed desirable. From among the report's recommendations he singled out, first, the formulation of general guiding principles to govern the treatment of internally displaced persons, and the compilation of applicable rules and norms; secondly, the need to strengthen information procedures, making full use of the United Nations network and existing early warning systems; thirdly, expansion and further development of dialogue with Governments and other pertinent actors, with a view to prevention and protection; and, fourthly, the need for special efforts to protect certain vulnerable groups, such as minorities, women, children and the disabled. The Commission must now take appropriate action to follow up the recommendations contained in Mr. Deng's report. The work of the Representative of the Secretary-General should be continued along the lines proposed in the conclusions and recommendations contained in his study, and he should report back to the Commission on his activities and findings.

38. Mr. VILLARROEL (Observer for the Philippines) said that, while no regional institutions for the promotion and protection of human rights and fundamental freedoms currently existed in the Asia region, the Philippines was fully committed to the effective promotion and protection of those rights, a commitment which was doubtless shared by every country of the region and which would in due course be translated into a viable and enduring regional arrangement. That process would take time, but a start had been made in 1982 with the Seminar on National, Local and Regional Arrangements for the Promotion and Protection of Human Rights in the Asian Region, held in Colombo, Sri Lanka. Eight years later, in May 1990, the Philippine Government and the Centre for Human Rights had together organized a first Asia-Pacific workshop, which had examined, inter alia, the question of regional human rights institutions and arrangements, emphasizing the role played by the Universal Declaration of Human Rights as a source of inspiration for national and international endeavours in that sphere. More recently, in January 1993, the Centre for Human Rights and the Government of Indonesia had organized a second Asia-Pacific Regional Workshop on international human rights standards, held in Jakarta.

39. His delegation hoped that those fruitful consultations would be continued when the Asian Group held its regional meeting at Bangkok in April 1993 in preparation for the World Conference on Human Rights. Even if no concrete regional arrangement resulted from that meeting, the process of promoting agreement on such an arrangement would at any rate have been taken one step further.

40. If the Pacific countries of Asia were excluded from the reckoning, the Philippines was currently the only country in the region with an authentic national institution for the promotion and protection of human rights. The Philippine Commission on Human Rights, established in 1987 by constitutional mandate, provided effective and accessible remedies to victims of human rights violations. It was his delegation's hope that other Governments in the region would be encouraged by the Philippine example to set up similar national

institutions for the promotion and protection of human rights. The establishment of such institutions where none currently existed was essential, given that responsibility for the implementation of universally applicable human rights standards rested primarily with Governments, whose procedures and mechanisms varied from State to State. However, there were encouraging indications that international awareness of the important role played by national institutions in providing protection against human rights violations was growing. The International Workshop on National Institutions for the Promotion and Protection of Human Rights, held in Paris in October 1991, which had led to the development of the Principles relating to the status of national institutions, was one such indication. The Second Asia-Pacific Regional Workshop on human rights was another. Those small and modest beginnings revealed a growing realization that the promotion and protection of human rights must be addressed in a comprehensive manner, a task that could be achieved only through the establishment of national institutions.

41. Mr. TORELLA DI ROMAGNANO (Observer for Italy) said that public information activities were a vital component in the promotion and protection of human rights and fundamental freedoms worldwide. Information meant not only denouncing human rights violations, but also providing individuals with a better knowledge of their rights and of the mechanisms that existed to protect them. His delegation thus welcomed the decision of the Centre for Human Rights to undertake a thorough and comprehensive revision of its information programme.

42. He highlighted various aspects of the effort to design a more effective human rights information policy that merited particular attention. First, there should be better coordination with other United Nations bodies and international organizations, in order to maximize the effective use of financial and human resources and render their various initiatives in that sphere more effective. The annual inter-agency meeting provided a very useful occasion for that purpose. However, there was a case for convening more frequent meetings, and also for establishing a permanent informal coordination group involving all the bodies and organizations concerned.

43. Secondly, the catalogue of current publications should be reviewed with a view to identifying and strengthening those publications most closely corresponding to the needs and expectations of the public. Publications intended for the general public, such as the Fact Sheets, were of particular value in that regard, and should be retained as a channel for widespread dissemination of human rights information.

44. Thirdly, in view of the fact that the future of human rights throughout the world depended to a large extent on awareness among younger generations, the production of teaching materials for all levels of education, and particularly for primary and secondary schools, should be accorded high priority.

45. Clearly, an adequate allocation of resources to the Centre for Human Rights was a prerequisite for the development of an effective information programme that would be able to respond to the growing public interest in human rights issues. Additional resources, both financial and human, should

thus be envisaged. The Italian Government was making a concrete contribution in that regard, by providing additional human resources to the Centre.

46. His delegation noted with satisfaction the increasing emphasis placed by the Centre on the preparation of training manuals for different target groups on specific human rights topics. Those manuals would be a valuable means of reaching persons in positions of responsibility at the national level, such as members of the judiciary or law enforcement officials, and of providing guidelines on important topics such as national institutions for the promotion and protection of human rights or the holding of free and fair elections. He also welcomed the enhanced cooperation between the Centre, the Division for the Advancement of Women and the Crime Prevention and Criminal Justice Branch.

47. The World Conference on Human Rights should devote special attention to the question of information on human rights, in the context of its agenda item concerning enhancement of the effectiveness of United Nations activities in the field of human rights. In the run-up to the Conference, it was important that both the United Nations and Member States should intensify their activities aimed at disseminating information on human rights. His delegation thus welcomed the establishment of a working group for the development of supplementary information measures for the World Conference. The working group should be given every encouragement in the implementation of its important task of raising international awareness of that major event, which would define the international strategy for human rights for the first decades of the twenty-first century.

48. Mr. SZAPORA (Observer for Hungary) said that the number of internally displaced persons worldwide now totalled 25 million, and in some countries accounted for over 10 per cent of the entire population. Victims of human rights violations who had been forced to uproot themselves but who had not subsequently crossed an international border found themselves in the position of failing to achieve refugee status while losing the protection of their own Government.

49. Almost 12 million displaced persons were to be found in Africa, mainly victims of human rights abuses, conflicts, natural disasters and social and economic conditions. Europe, however, was not exempt from the problem. As a consequence of the dramatic events in eastern Europe, the number of displaced persons had reached a level not seen since the Second World War. Furthermore, ethnic cleansing in the former Yugoslavia had led to the displacement of almost 2.6 million people. At a time when a spirit of cooperation was gradually gaining the upper hand on the international scene, it was anachronistic, as well as unacceptable, to advocate the forcible creation of nation States in the territory of the former Yugoslavia. If that logic were to prevail, the whole central and eastern European region would soon be engulfed in national strife.

50. His Government was deeply concerned at the grave situation of the 450,000-strong Hungarian minority living in Vojvodina, who were subjected to daily threats, harassment, intimidation and atrocities aimed at driving them from their homes. The situation of national minorities was the touchstone of democracy; and, as the Special Rapporteur on the question, Mr. Mazowiecki, had pointed out, ethnic cleansing was not a by-product of the

war, but its very raison d'être. His delegation considered that increased international pressure on those pursuing ethnic cleansing, as well as the presence of international observers, should contribute to diminishing the dangers inherent in that phenomenon, and that its total elimination could be achieved only through a just settlement of the conflict.

51. New approaches and preventive measures were needed to solve the problem of internally displaced persons. Consideration should be given to comprehensive preventive diplomacy, making use of the mediation, accumulated experience and good offices of United Nations organizations and specialized agencies. Conceptual and institutional links should be established between the United Nations' early-warning capabilities and measures to prevent massive internal displacement. The political changes that had taken place since the beginning of the 1990s, which had resulted in the emergence of new sovereign States, should be accompanied by policies ensuring adherence to international humanitarian law and human rights. The prospects for lasting solutions to the problems of internally displaced persons could be improved if there was a firm commitment to international protection. His delegation was ready to contribute to the Commission's efforts to set up an appropriate framework for deliberations on that problem.

52. Mr. SEGER (Observer for Switzerland) said that, despite the Secretary-General's declaration the previous year, in "An Agenda for Peace" (A/47/277), that respect for human rights would henceforth constitute a priority objective, the United Nations continued to allocate a derisory proportion of its resources - less than 1 per cent - to that cause. The Centre for Human Rights was threatened with asphyxiation as a result of the exponential growth in the responsibilities entrusted to it. Consequently, the Commission's thematic and ad hoc mechanisms and the treaty bodies could no longer receive adequate support from the Centre's services, and the very credibility of the human rights edifice was threatened.

53. The Under-Secretary-General for Human Rights was calling for an increase in human and technical resources to meet current needs. Very serious account must be taken of his requests if the Centre was to shoulder its responsibilities. Particular attention must also be given to the choice of staff. It was to be hoped that the forthcoming World Conference on Human Rights would enable the international community to embark more resolutely on the search for long-term solutions to those problems.

54. Turning to the question of internally displaced persons, he welcomed the growing recognition of the need to set up a mechanism to monitor and strengthen application of norms to protect displaced persons. His delegation considered that, by and large, those persons were adequately protected by international humanitarian and human rights instruments, but that the implementation of such instruments by States left much to be desired, a situation that could be overcome by the establishment of an ad hoc mechanism by the Commission.

55. At its current session, the Commission would have to decide on the terms under which the mandate of the Special Representative of the Secretary-General was to be extended. His delegation fully endorsed the Special Representative's opinion that his operational mandate should include a

preventive function, to be fulfilled, inter alia, by missions to countries where there appeared to be imminent danger of enforced displacements, and by sustained contacts with all the institutions concerned. In addition to that preventive function, the Special Representative should be able to provide his good offices in promoting dialogue between the authorities and displaced persons and in seeking means to enable them to return.

56. At the normative level, it might be desirable to make a compilation of existing standards applicable to displaced persons. In conflict situations, international humanitarian law established a system for protection of civilians which naturally extended to displaced persons. Furthermore, the general regime of human rights was particularly applicable during periods of internal tension, and a clear reaffirmation of those norms should help to improve protection at both the preventive and the remedial levels. However, many delegations and non-governmental organizations felt that additional measures, perhaps in the form of a code of conduct governing treatment of displaced persons, would constitute a very useful reference instrument. Finally, the arrangements for the protection of civilians in periods of armed conflict established the fundamental principle of the right to assistance. The frequency with which international aid was prevented from reaching its destination illustrated the pressing need to reaffirm the basic principles.

57. Mr. HOURORO (Observer for Morocco) said that the promotion of human rights was a requirement that transcended individual interests and an ideal that had become attainable, now that ideologies had given way to pragmatism. The law must not be regarded merely as a convenient instrument or as an obstacle to be overcome, but must retain its status as a universal value. It was essential to reaffirm the indivisibility and universality of rights and to ensure that non-selectivity should be the basis of all decisions and debates.

58. In its resolution 1992/54, the Commission had reaffirmed the importance of establishing effective national institutions for the promotion and protection of human rights. Many countries, including Morocco, had stressed the importance of pluralism in the composition of those institutions, and of their independence, principles that had been adopted by the Commission. By guaranteeing the primacy of law, the Constitution of Morocco expressed his country's legitimate ambition to figure in the ranks of the modern-day democracies. Yet, as the experience of many other countries showed, the resources available to achieve those goals might prove inadequate, as a result of abuses, human error or legal gaps that had still to be filled. It was in order to check those shortcomings and to ensure the fullest possible respect for human rights that the Consultative Council on Human Rights (Conseil Consultatif des Droits de l'Homme) had been established in April 1990. That national institution continued to demonstrate its independence and pluralism, and to offer effective remedies to victims of human rights violations. Its ambitious programme of work included a substantial input to a reform of the Penal Code providing effective protection against abuses for prisoners awaiting trial, and promotion of instruction in human rights in universities and higher professional training institutes. Aware of the activity taking place on the international scene in the field of human rights, the Consultative Council had also established contacts with international and non-governmental organizations, in order to keep them informed of progress made by Morocco in that sphere. It had recently adopted recommendations on

the questions of economic and social rights and of the guaranteed minimum income level. Many tasks remained to be addressed, but the Consultative Council had embarked on its work with conviction and determination.

59. Mr. PERROUCHOUD (International Organization for Migration - IOM) said he wished to stress five points that his organization regarded as crucially important in dealing with the question of internally displaced persons. First, internally displaced persons did not constitute a homogeneous category: the causes of internal displacements were manifold and complex, and included armed conflicts, internal tension, human rights violations, natural disasters, overpopulation and the deterioration of living conditions. Understandably, international attention often focused on the most dramatic situations, but that resulted in the false impression that the needs to be satisfied and the solutions to be found would be the same for every displaced person, regardless of the cause of the displacement, or, more serious still, that persons displaced for other reasons did not deserve the attention of the international community.

60. Secondly, heterogeneous causes called for heterogeneous solutions. That observation was so patent that it tended sometimes to be overlooked.

61. Thirdly, when analysing the needs of displaced persons from the standpoint of legal protection, it should be acknowledged that protection and assistance were sometimes indissociable, and that the assistance extended to displaced persons constituted a form of protection. Protection of the human rights of internally displaced persons often took the form of meeting their essential needs, namely, provision of security, food, medical care and accommodation. An analysis from the purely legal standpoint thus ran the risk of providing only a partial view of the issues. While it was no doubt a useful exercise to enumerate the pertinent instruments, identify gaps and prepare a code of conduct or operational guidelines, such activities should not lead to a weakening of existing law. Above all, it must never be forgotten that respect for existing law remained a matter of priority in all circumstances.

62. Fourthly, the wide range of needs and solutions must also be borne in mind when considering what institutional mechanisms should be brought to bear. The study under consideration (E/CN.4/1993/35) concentrated on the mechanisms of the United Nations system in general, and of the Commission in particular. However, account should also be taken of mechanisms that existed outside the system. IOM had a mandate to ensure the orderly migration of persons needing international assistance in that regard. That mandate, set forth in the Constitution of IOM, was explicitly extended to displaced persons. On the basis of that competence, it had had occasion to provide assistance to individuals and States in a number of differing circumstances.

63. Finally, he wished to draw attention to the need to distinguish between the various stages of action to assist and protect internally displaced persons. The prevention phase, the emergency phase, and the return and reinstallation phases each required provision of a different form of assistance or protection by different agents; hence the vital need for effective coordination and disinterested cooperation, with reciprocal respect for the areas of competence of all the organizations concerned.

64. Mr. SIOUI (Four Directions Council) reiterated the need for self-representation for indigenous peoples in United Nations bodies, including the Commission on Human Rights. The status of non-governmental organization was not sufficient to meet that need. In an exchange of letters with the Chairman of the Commission, he had stressed that aspect and offered, throughout the International Year for the World's Indigenous People, to work with the different regional groups to reach unanimous agreement to amend the rules of procedure of the functional commissions of the Economic and Social Council in order to include participation by Governments of indigenous peoples and nations. In that way, indigenous people would no longer have to ask anyone's permission when they wished to express their opinions in international forums.

65. His organization regretted the fact that Canada had seen fit to introduce two resolutions concerning indigenous peoples, with neither their consent nor their participation. Indigenous people had serious reservations as to the content of those resolutions, which lacked vision, were linear in conception and did not represent their basic goals. Canada's failure to consult indigenous people represented a form of violence against them. It was unfortunate that Canada feared indigenous people and thought of them as separatists, when that was not at all their goal. Creating false fears around indigenous people's objectives only served to foster violence against them.

66. Another cause for concern was the proliferation of human rights organizations in Canada and elsewhere that were financed bilaterally by Governments and never defended the rights of indigenous people. There were also paragovernmental organizations, such as the International Centre for Human Rights and Democratic Development, which had been established by a law of the Canadian Parliament and was financed by the Canadian Government. That organization was not a non-governmental organization: its rightful place was with the Canadian delegation, along with the members of the Canadian Human Rights Commission.

67. The indigenous peoples would be putting forward their own draft resolution to the Commission, which they hoped would receive favourable consideration.

68. Ms. STEPHENS (World Alliance of Reformed Churches; Anglican Consultative Council) said that she wished to focus particularly on the promotion and encouragement of fundamental freedoms in Malawi. A representative from the Church of Central Africa, Presbyterian, in Malawi, which was a member church of the Alliance, and a representative of the Muslim Association of Malawi would present the related issues. Both bodies were members of the Public Affairs Committee in Malawi.

69. At the request of the Government of Malawi, the Electoral Assistance Unit of the Department of Political Affairs of the Secretary-General's office had recently provided two reports detailing measures for "The Conduct of a Free and Fair Referendum on the Issue of a One-Party/Multi-party System in Malawi". Additional assistance must be provided by the Commission and other United Nations bodies to ensure governmental compliance with the recommendations of the Electoral Assistance Unit.

70. Mr. LONGWAY (World Alliance of Reformed Churches; Anglican Consultative Council) said that, politically, Malawi had been a multi-party State between independence in 1964 and 1966, when the Malawi Congress Party had passed a resolution at its annual convention disallowing the functioning of other political parties. The one-party system had been endorsed through a constitutional amendment approved by the Malawi Congress Party-controlled Parliament the same year. In the succeeding years, the serious and gross violations of human rights by the Malawi Congress Party Government had prompted the Roman Catholic bishops to issue a Lenten Pastoral Letter in March 1992, questioning the single-party system and the injustice of the Government.

71. On 28 August 1992, the Public Affairs Committee had been created as a coalition of churches, the Muslim community, the business community, the legal profession and two pressure groups. Its goals were: 1. to seek the genuine, informed and full involvement of the people in the process of governance; 2. to ensure that economic progress served the majority of the population rather than an elite element of society; 3. to re-establish an appropriate balance of power among the executive, legislative and judicial branches of Government and respect for the rule of law; and 4. to establish respect for and compliance with international standards of human rights by the citizens of Malawi and all organs of the State.

72. A Presidential Commission for Dialogue had been appointed by the President of Malawi in response to increasing internal and international pressure. One day prior to a scheduled meeting between that Commission and the Public Affairs Committee, the President had taken the whole nation by surprise by calling for a national referendum on the single-party system.

73. Mr. KURLESI (World Alliance of Reformed Churches; Anglican Consultative Council) stated that a series of 14 recommendations relating to the referendum had been developed by the Public Affairs Committee and presented for discussion. Most importantly, the conditions for the referendum should be drafted jointly by the Public Affairs Committee and Presidential Commission for Dialogue; it should be held within six months and an independent referendum commission should be appointed to administer it. To ensure a democratic climate for the referendum, several recommendations related to the release of all political prisoners, a general amnesty for political exiles, freedom of the press, equal access to the media, etc. Finally, for the proper conduct of the referendum, it had been recommended that only one ballot box per polling station should be used during the referendum, that the voting age be lowered from 21 to 18 years of age and that international and local monitors should be allowed to observe the referendum. The recommendations had been endorsed by the United Nations technical team.

74. In spite of the internal and international pressure that had brought the Government of Malawi to accept a national referendum, the arrangement announced for the referendum did not satisfy the criteria laid down by the United Nations Electoral Assistance Unit. Particular problems were the lack of independence in the composition of the referendum commission, the ambiguous wording of the question to be put to the voters in the referendum, the Government's insistence on two ballot boxes in each polling place, the continuing harassment of pressure groups and disruption of public meetings by

government authorities, the lack of public awareness of the mechanics of voting, and the failure to repeal laws and regulations prohibiting the full exercise of the freedoms of assembly and expression during the campaign.

75. Ms. STEPHENS (World Alliance of Reformed Churches; Anglican Consultative Council) noted that, unless the Malawi Government accepted the recommendations of the United Nations unit, the referendum would not be free and fair. The World Alliance of Reformed Churches and the Anglican Consultative Council therefore called on the Commission firmly to express to the Government of Malawi its support of the recommendations for "The Conduct of a Free and Fair Referendum on the Issue of a One-Party/Multi-Party System in Malawi", to urge the Government of Malawi further to promote and encourage human rights and fundamental freedoms in Malawi, and to continue to observe and support development of the democratic process in the Republic of Malawi.

76. Mr. SANTOS (International Federation of Human Rights) noted that the International Federation of Human Rights (FIDH) had made a careful study of the report by the Special Representative of the Secretary-General on the human rights issues relating to internally displaced persons (E/CN.4/1993/35) and supported its recommendation regarding an institutional mechanism for those especially vulnerable peoples. Guatemala and the Philippines were cases in point. In Guatemala there were three kinds of displaced persons: internally displaced persons, the Comunidades de Población en Resistencia and refugees, especially in Mexico. The Comunidades de Población en Resistencia, made up of civilian, non-combatant peasants in mountainous regions of El Quiché and El Petén, were estimated at 24,000 persons. Despite many problems and threats by the army, the Comunidades de Población en Resistencia were gaining world recognition. Many credible national and international missions had visited the country and seen for themselves the constant bombings and attacks on the Communidades by the army in an effort to destroy property, equipment and harvests. A multipartite commission, in which FIDH participated, was currently conducting a mission to those regions to help the peasants in areas such as family reunification, trade, community exchange and the exercise of their cultural and religious rights together with neighbouring communities. All those activities met with opposition and cruelty from the army and hostility on the part of the Government.

77. Over 1 million internally displaced persons were struggling to survive in the country's major cities. They lacked basic services and land for housing and crops, and had lost all their rights in their former communities. They had no proper identity papers. They were evicted with violence by the security forces when they occupied wasteland in order to build makeshift houses. They were also constantly persecuted by the civilian patrols.

78. The situation of the Guatemalan refugees in Mexico had begun to change on 20 January 1993. In response to national and international pressure, the Guatemalan Government had signed an agreement for the return of the refugees in October 1992, initially in the zone of Ixcan El Quiché. The first group of returnees had been welcomed by various sectors of Guatemalan society, although there continued to be some harassment by the army, national police and civilian patrols.

79. Peace in Guatemala, as far as internally displaced persons, the Comunidades de Población en Resistencia and refugees and returnees were concerned, could only be achieved by campaigning against militarization and in favour of genuine democracy and social justice.

80. Mr. LAMBAN (International Federation of Human Rights) said that in the case of the Philippines, more than 1.3 million persons had been displaced by military operations, primarily by the armed forces of the Philippines (AFP). The victims were mostly peasants and indigenous people whose poverty had been aggravated by the destruction of their homes and livelihood during military operations.

81. The case of Marag Valley, whose people had been leaving to escape the yearly military operations of the AFP, was typical. In September 1990, an anti-guerrilla operation in the area had caused over 3,000 residents to flee to the forests. Exposed to the elements of nature and to hunger, 120 children had died from common illnesses such as diarrhoea and measles. Eighty-eight houses and 19 granaries had been destroyed by bombs or burned by the troopers. Although massive military operations had ceased, harassment, including shootings, continued to be directed against the residents.

82. None of the victims, either in Marag Valley or in other parts of the country, had been indemnified, for the Government did not want to acknowledge the problem of "internal refugees", as they were called in the Philippines. The Government provided little or no assistance to the evacuees, and as a result many died, most of them children, from lack of food and unsanitary conditions. What was more, as the military operations had been principally directed against civilians in communities considered by the Government as part of the political infrastructure of the National Democratic Front, the Government labelled the evacuees as surrendering rebels. Such operations had often been disguised as counter-insurgency operations, but it was the residents who were victimized in the AFP's effort to deprive the NPA of any form of support.

83. The atrocities of the Civilian Armed Force Geographical Unit (CAFGU) had also been a major cause of displacements. Anti-communist fanatic groups, infamous for their gross violations of human rights, were usually integrated into that paramilitary terrorist formation, whose disbandment had been recommended by the Working Group on Enforced or Involuntary Disappearances. Not only had the Philippine Government not done so, but it was even planning to increase the size of the CAFGU.

84. The peace process being pursued by the Philippine Government was a welcome development. However, the Government's policy to continue military operations while pursuing the new negotiations had not given the war-weary residents any respite. It was also of concern that the military budget had been increased.

85. The International Federation of Human Rights noted with satisfaction that the Commission had taken up the problem in its 1992/73 resolution. It urged the Commission to establish a mechanism that would help ensure the protection of the rights of internally displaced people.

QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT, IN PARTICULAR:

(a) TORTURE AND OTHER, CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT;

(b) STATUS OF THE CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT;

(c) QUESTION OF ENFORCED OR INVOLUNTARY DISAPPEARANCES;

(d) QUESTION OF A DRAFT OPTIONAL PROTOCOL TO THE CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT (agenda item 10) (continued) (E/CN.4/1993/4, 20, 21, 22, 23 and Add.1-2, 24, 25 and Add.1, 26-28 and 86; E/CN.4/1993/NGO/7, 9, 10, 18-20 and 22; E/CN.4/1992/17 and Add.1; E/CN.4/1992/18 and Add.1; E/CN.4/1992/20; E/CN.4/Sub.2/1992/9 and Add.1; E/CN.4/Sub.2/1992/17, 19, 22, 23/Rev.1, 24 and Add.1-3; A/47/662; A/RES/47/109).

86. Mr. VILLARROEL (Observer for the Philippines), speaking in exercise of the right of reply, said his delegation would like to rebut certain allegations made by the representative of the World Student Christian Federation (WSCF) at the 38th meeting. First, it was not true that few human rights violators in the Philippines were brought to the courts. In fact a large number, including government officials, military and police staff had been prosecuted, and as many as 50 had been convicted. Second, the representative of WSCF had charged that members of non-governmental organizations were arrested in the Philippines and then released to showcase the Government's amnesty programme. Those persons, however, had been charged with subversion because they had violated the Anti-Subversion Law: if they had been released, it was not because they were innocent but because the Anti-Subversion Law had been repealed. Third, in reply to the allegation that not all political prisoners had been released, he would point out that those still in detention were not being held for their political beliefs but because they had committed ordinary crimes in pursuit of their ideology. Fourth, there might not have been compensation as such for the victims of human rights violations, but financial assistance had been provided by the Philippine Commission on Human Rights to 33,022 victims of violations since 1988. Fifth, far from failing to implement the recommendations of the Working Group on Enforced or Involuntary Disappearances, the Government had repealed the Anti-Subversion Law as a direct result of the Group's recommendation. As for visiting rights, he informed the representative of WSCF that Republic Act No. 7438 authorized visiting privileges not only for doctors and lawyers, but also for family members and members of the clergy, and laid down punishment for anyone attempting to prevent such visits.

87. It was true that the death penalty had been reinstated in the Philippines, but only for the most heinous crimes, and that should in no way be construed as being aimed against political prisoners.

88. In conclusion, he thanked the representative of WSCF for acknowledging that human rights violations in the Philippines had decreased. Credit for the decrease was due not only to the Philippine Government and the Philippine

Commission on Human Rights, but also to the non-governmental organizations, whose vigilance, support and cooperation were vital for the promotion and protection of human rights in the Philippines.

89. Mr. GOMES (Indonesia), speaking in exercise of the right of reply, said that, as an East Timorese member of the Indonesian delegation, he felt compelled to bring into focus the exaggerated and dramatized statements of the representatives of the International Federation of ACAT (Action of Christians for the Abolition of Torture) and the National Aboriginal and Islander Legal Services Secretariat. The speakers had conveniently forgotten the atrocities committed by Fretilin, which had long terrorized the population of East Timor. The figure of 200,000 victims was a complete myth; the real figure, which was considerably less, concerned mostly the victims of the civil war. Regarding the General Assembly and Security Council resolutions, the General Assembly had ceased to adopt resolutions on East Timor in 1983 and the Security Council had not discussed the issue since 1976.

90. The struggle of the people of East Timor continued, but it had become the struggle to free itself from poverty and under development, together with their brothers and sisters in other parts of Indonesia.

The meeting rose at 9.55 p.m.